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Message Text

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ACTION IO-14

INFO OCT-01 AF-10 ARA-10 EA-10 EUR-12 NEA-10 ISO-00
CIAE-00 DODE-00 PM-05 H-01 INR-10 L-03 NSAE-00
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R 151508Z FEB 78
FM AMEMBASSY LAGOS
TO USMISSION GENEVA
SECSTATE WASHDC 6524
INFO AMEMBASSY AMMAN
AMEMBASSY DAKAR
AMEMBASSY TEL AVIV
AMEMBASSY ABIDJAN
AMEMBASSY CAIRO
AMEMBASSY DAMASCUS
AMEMBASSY LONDON
AMEMBASSY MASERU
AMEMBASSY OTTAWA
AMEMBASSY STOCKHOLM
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 LAGOS 1941

E.O. 11652: GDS
TAGS: UNHRC PINT NI UG
SUBJECT: 34TH UN HUMAN RIGHTS COMMISSION -- CHAIRMAN'S PRIVATE VIEWS OF KEY ISSUES

REF: GENEVA 1990

1. OUR FIRST GUESS AS TO THE RETIRED CHIEF JUSTICE OF NIGERIA REFERRED TO IN PARA 3 REFTEL WOULD BE DR. TESILINI OLAVALE (ELIAS WHO IS A JUDGE ON THE INTERNATION COURT OF JUSTICE (ICJ) IN THE HAGUE. A SECOND POSSIBLITY WOULD BE JUSTICE UDO UDOMA (ALSO KNOWN AS SIR EGBERT UDO UDOMA) WHO IS ON THE NIGERIAN SUPREME COURT AND IS A FORMER CHIEF JUSTIC OF UGANDA.
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2. DR. ELIAS WAS ELECTED TO THE ICJ IN 197TM HE SERVED AS THE FIRST NIGERIAN ATTORNEY-GENERAL OF NIGERIA AND MINISTER OF JUSTICE FROM OCTOBER 1960 TO FEBRUARY 1972 WHEN HE WAS APPOINTED CHIEF JUSTICE. FOLLOWING THE OVERTHROW OF THE GOWON REGIME IN JULY 1975, HE WAS REPORTEDLY SACKED UNDER PRESSURE FROM CERTAIN MEMBERS OF THE NEW GOVERNMENT, BUT IN ORDER TO

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MAKE AMENDS THE GOVERNMENT THEN SUPPORTED HIS SUCCESSFUL
CANDIDACY FOR ELECTION TO THE ICJ.

3. ELIAS WAS EDUCATED AT THE UNIVERSITY OF LONDON RECEIVING
HIS B.A. (HONORS) 1946, LI.B. (HONORS) 1946, LI.M. 194U, PH.D.
1949 AND LI.D. 1962. HIS VARIOUS INTERNATIONAL ACTIVITIES
INCLUDE THE FOLLOWING: CONSTITUTIONAL ADVISER TO THE NIGERIAN
(1958), BRITISH WEST INDIAN (1959), SOMALI (1960), MALAWI (1960)
DELEGATIONS IN CONSTITUTIONAL CONFERENCES WITH THE BRITISH
GOVERNMENT; ONLY AFRICAN MEMBER OF THE BRITISH SECRETARY OF
STATE'S ADVISORY COMMITTEE ON COOPERATIVES IN THE COLONIES
(1950-1957); GENERAL RAPPORTEUR FOR THE AFRICAN CONFERENCE ON THE
RULE OF LAW HELD UNDER THE AUSPICES OF THE INTERNATIONAL
COMMISSION OF JURISTS (1961); CHAIRMAN OF THE COMMISSION OF
CONSTITUTIONAL AND LEGAL EXPERTS APPOINTED BY THE UNITED NATIONS
TO ASSIST IN DRAFTING THE CONSTITUTION OF THE CONGO (ZAIRE)
(1961 AND 1962); MEMBER OF THE NIGERIAN DELEGATION WHICH DRAFTED
THE O.A.U. CHARTER (1963); GENERAL RAPPORTEUR FOR THE SEVENTEENTH
SESSION OF THE INTERNATIONAL LAW COMMISSION IN GENEVA AND
MONACO (1965 AND 1966); CHAIRMAN OF THE UNITED NATIONS INTERNA-
TIONAL LAW COMMISSION, 22ND SESSION, K1970); AND CHAIRMAN
OF THE COMMITTEE OF THE WHOLE AT THE UNITED NATIONS CONFERENCE

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C O N F I D E N T I A L SECTION 2 OF 2 LAGOS 1941

ON THE LAW OF TREATIES HELD IN VIENNA (1968 AND 1969).

4. IN ADDITION , ELIAS IS AN HONORARY MEMBER OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW, MEMBER OF THE INTERNATIONAL COMMISSION OF JURISTS, AND SERVED AS CHAIRMAN OF THE WORLD ASSOCIATION OF JUDGES IN 1975 . HE IS ALSO THE AUTHOR OF OR CONTRIBUTOR TO MANY BOOKS AND ARTICLES ON NIGERIAN LAW, LAW IN OTHER AFRICAN COUNTRIES AND INTERNATIONAL LAW.

5. AMBASSADOR REINHARDT DESCRIBED HIM IN 1974 AS PROBABLY AFRICA'S OUTSTANDING JURIST, FORTHCOMING, LITERATE, AND AN 'ALL-WORK-AND-NO-PLAY' INDIVIDUAL. BRITISH SOURCES, HOWEVER DESCRIBE HIM AS TOUCHY, MUCH IMPRESSED WITH HIS OWN SELF IM-
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PORTANCE AND GIVEN TO LENGTHY MONOLOGUESM HE IS A STICKLER FOR LEGAL TECHNICALITIES AND HAS A REPUTATION OF BEING A NIT-PICKER. AS A MEMBER OF THE UN CONSTITUTIONAL TEAM IN THE CONGO HE WAS CRITICIZED BY COLLEAGUES FOR LACK OF COOPERATION AND OBSTINACY.

6. JUSTICE UDO UDOMA IS THE CHAIRMAN OF THE CONSTITUENT ASSEMBLY DRAFTING THE NEW NIGERIAN CONSTITUTION. HE WAS CHIEF JUSTICE OF UGANDA FROM 1963 TO 1969 AND ACTING GOVERNOR-GENERAL OF UGANDA IN 1963. HE WAS APPOINTED TO THE NIGERIAN SUPREME COURT IN 1969 AFTER HIS RETURN FROM UGANDA. ACCORDING TO A SEPTEMBER 1977 WEST AFRICA MAGAZINE BIOGRAPHY, UDOMA WAS THE FIRST AFRICAN JUDGE TO SERVE IN UGANDA.

7. IN ADDITION TO HIS LEGAL EXPERIENCE IN UGANDA AND NIGERIA, UDOMA IS A MEMBER OF THE INTERNATIONAL COMMISSION OF JURISTS, THE WORLD ASSOCIATION OF JUDGES AND CHAIRMAN OF THE BOARD OF TRUSTEES, KING GEORGE V MEMORAIL FUND. HE STUDIED AT TRINITY COLLEGE, DUBLIN AND ST. CATHERINE'S COLLEGE, OXFORD. HIS DEGREES INCLUDE: B.A. (HONORS) 1942, LI.B. (HONORS) 1942, PH.D. 1944, AND M.A. 1945.

8. WE ARE NOT FAMILIAR WITH THE INTERNAL POLITICS OF UGANDA OR UDOMA'S ROLE THERE. THE DEPARTMENT MAY BE ABLE TO COMMENT ON EMBASSY KAMPALA A-142 OF JUNE 21, 1969, WHICH QUOTES JUSTICE SALDANHA, AN ASIAN, AS HIGHLY CRITICAL OF UDOMA'S SERVICE IN UGANDA SAYING HE WAS 'A MAN WITHOUT SCRUPLES, WHO HAD SET THE CAUSE OF UGANDAN JUSTICE BACK TWENTY YEARS' AND ALLEGING UDOMA HAD RESPONDED TO POLITICAL PRESSURE FROM THE UGANDAN GOVERNMENT. EMBASSY KAMPALA COMMENTED THAT SALDANHA'S COMMENTS WERE SIMILAR TO OTHERS THEY HAD HEARD RE UDOMA.

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9. FROM THE NIGERIAN PERSPECTIVE WE WOULD COMMENT THAT UDOMA WAS APPOINTED CHAIRMAN OF THE CONSTITUENT ASSEMBLY BECAUSE OF
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HIS REPUTATION AND POLITICAL POSITION. THE ASSEMBLY IS EXPECTED TO COMPLETE ITS WORK BEFORE OCTOBER 1, 1979, AND MAY BE THROUGH AS EARLY AS JUNE.
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